

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA,                    )  
  )  
v.    )     Crim. No. 01-455-A  
  )  
ZACARIAS MOUSSAOUI                        )

**MOTION TO FILE REPLY TO GOVERNMENT'S RESPONSE IN OPPOSITION TO  
DEFENDANT'S MOTION TO STRIKE GOVERNMENT'S NOTICE OF INTENT TO  
SEEK A SENTENCE OF DEATH ONE DAY OUT OF TIME AND FOR EXPANDED  
LENGTH AND SUPPORTING MEMORANDUM**

COMES NOW, the defendant, by counsel, and moves to file its reply to the Government's Response in Opposition to Defendant's Motion to Strike Government's Notice of Intent to Seek a Sentence of Death one day out of time. The government does not object to this motion for an additional day. The hearing date on the motion having been postponed indefinitely, the relief requested by this motion will not delay the proceedings.

Although counsel had hoped to complete this memorandum in time to file it by May 14, he was unable to do so as thoroughly as he felt necessary within that time frame. The government's response was 30 pages long. It is respectfully submitted that the reply memorandum is an important aid to the Court because, unlike the motion itself, counsel were able to address the actual arguments of the government, rather than counsel's assumptions as to those arguments. Particularly in light of the importance of the issue and the lack of any prejudice to, or objection from, the government, it would be appropriate for the Court to allow this filing one day out of time.

Defendant's completed reply is twelve pages of text. The Court's order granting leave to file a reply limited the length to ten pages. Given the timing and complexity of the issues involved and the length of the government's response, counsel requests that the Court grant an additional two pages for the reply.

Respectfully submitted,

ZACARIAS MOUSSAOUI

By Counsel

/S/

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to File Reply to Government's Response in Opposition to Defendant's Motion to Strike Government's Notice of Intent to Seek a Sentence of Death One Day Out of Time and for Expanded Length and Supporting Memorandum was served via facsimile and first class mail upon AUSA Robert A. Spencer, AUSA David Novak, and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, Virginia 22314 this 15th day of May, 2002.

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Frank W. Dunham, Jr.